

DOA: 4/4/2025

UNITED STATES DISTRICT COURT

for the
District of ArizonaUnited States of America
v.
Erik Efrian Bernal-Reyes,
A #205 927 719

Case No.

25-3126MS

*Defendant***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about April 4, 2025, in Maricopa County, in the District of Arizona, the defendant violated Title 8, United States Code, Section 1326(a) (Reentry of Removed Alien), an offense described as follows:

Erik Efrian Bernal-Reyes, an alien, was found in the United States at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near San Luis, Arizona, on or about February 18, 2025, and not having obtained the express consent of the Attorney General or the Secretary of Homeland Security to reapply for admission to the United States, in violation of Title 8, United States Code, Section 1326(a) (Reentry of Removed Alien). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein**CHARLES BAILEY** Digitally signed by CHARLES BAILEY
Date: 2025.04.07 11:43:07 -07'00'

AUTHORIZED BY: Charles E. Bailey Jr., P.S. for SAUSA Sydney Yew

☒ Continued on the attached sheet.**LUIS E TERAN** Digitally signed by LUIS E TERAN
Date: 2025.04.07 12:26:07 -07'00'*Complainant's signature*Luis E. Teran
ICE Deportation Officer*Printed name and title*

M Morrissey

*Judge's signature*Michael T. Morrissey
United States Magistrate Judge*Printed name and title*

Sworn to telephonically.

Date: April 7, 2025City and state: Phoenix, Arizona

STATEMENT OF PROBABLE CAUSE

I, Deportation Officer Luis E. Teran, declare under penalty of perjury that the following is true and correct.

1. I am a Deportation Officer. I have learned the facts recited herein from direct participation in the investigation and from the reports and communications of other agents and officers.
2. On or about April 4, 2025, the Phoenix ICE Enforcement and Removal Operations (ICE ERO) field office received telephonic notification from the Arizona Department of Public Safety (AZDPS) that Erik Efrian Bernal-Reyes, a previously removed criminal alien, had been encountered after a vehicle stop for an alleged traffic violation, at or near Phoenix, Arizona. AZDPS troopers suspected Bernal-Reyes was not in the United States legally and contacted ICE ERO officers for assistance. While Bernal-Reyes was in the custody of the AZDPS, ICE agents telephonically interviewed him and determined him to be a citizen of Mexico, unlawfully present in the United States. On or about the same date, AZDPS troopers transported Bernal-Reyes to the Phoenix ICE office for further investigation and processing. Bernal Reyes was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed. On April 7, 2025, the ICE prosecutions unit reviewed Bernal Reyes's file and determined that he was amenable to prosecution, and removed him from administrative custody to criminal custody

3. Immigration history checks revealed Erik Efrian Bernal-Reyes to be a citizen of Mexico and a previously deported alien. Bernal-Reyes was removed from the United States to Mexico, through San Luis, Arizona, on or about February 18, 2025, pursuant to a final order of removal issued by an immigration official. There is no record of Bernal-Reyes in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his last removal. Bernal-Reyes's immigration history was matched to him by electronic fingerprint comparison.
4. On or about April 4, 2025, Erik Efrian Bernal-Reyes was advised of his constitutional rights. Bernal-Reyes freely and willingly acknowledged his rights but did not agree to provide a statement under oath. However, during his initial encounter with ICE officers earlier that day, Bernal-Reyes admitted that he illegally entered the United States without prior inspection by immigration officials.
5. For these reasons, this affiant submits that there is probable cause to believe that on or about April 4, 2025, Erik Efrian Bernal-Reyes, an alien, was found in the United States at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, or removed from the United States at or near San Luis, Arizona, on or about February 18, 2025, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission to the United States, in violation of Title 8, United States Code, Section 1326(a) (Reentry of Removed Alien).

6. This affidavit was sworn to telephonically before a United States Magistrate Judge legally authorized to administer an oath for this purpose. I have thoroughly reviewed the affidavit and the attachments to it, and attest that there is sufficient evidence to establish probable cause that the defendant violated Title 8, United States Code, Section 1326(a) (Reentry of Removed Alien).

LUIS E TERAN Digitally signed by LUIS E TERAN
Date: 2025.04.07 12:26:52 -07'00'

Luis E. Teran
Deportation Officer
Immigration and Customs Enforcement

Sworn to telephonically on
April 7, 2025

M Morrissey

Michael T. Morrissey
United States Magistrate Judge